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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,950	09/09/2003	Ronald H. Bluestone	867-P-3	3522

7590 09/10/2008
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EXAMINER

PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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09/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,950	Applicant(s) BLUESTONE ET AL.	
	Examiner RITA R. PATEL	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/08 has been entered.

Response to Applicant's Amendments

Claims 2-13 are pending. Claim 1 has been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 8, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US Patent No. 3,026,699) further in view of Metzger (US Patent No. 4,128,478).

Rhodes teaches a washing machine having a cabinet 2, vertically extending side walls 3, a top section 4, and a lid 5 which may be pivotably secured on a pin 6 (Figure 2) so as to be pivotable upward to an open position to permit access to an opening 7 formed in top section 4 of the cabinet. The lid 5 includes a recessed portion 8 which serves as a sink. In the conventional manner, an opening 9 may be provided at the bottom of the basin to permit draining of water therefrom (col. 2, lines 26-35). Rhodes further discloses a rotatable basket 17 (rotating receptacle) within the washing machine used for holding articles therein to be cleaned, a liquid outlet 59 (nozzle) for spraying water into the washing machine which is located above the basket 17, a pump 37, and a faucet 14 which communicates with sink 8 whereby manual cleaning can be performed. The lid is openable and closable, thus reading on Applicant's claim for being removably seated, since the lid pivots on a hinge. Lid 5 is also considered to be slidable since it moves smoothly from open to closed positions, and vice versa, along a pivoted surface. Finally Rhodes further teaches the use of a motor 31 in conjunction with a pulley 35 for driving the machine.

Although Rhodes refers to their invention as a "washing machine", the Rhodes invention reads over Applicant's claims for a "combination portable parts washer" since Rhodes meets all the structural elements of the claim(s) and is capable of removing contaminants by hand or automatically using an aqueous cleaning fluid if so desired. It is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of

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performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963).

Applicant claims an “upper jet cleaning section” and a “lower section”; Rhodes teaching of a washing basket reads on an upper jet cleaning section since it has a liquid outlet 59 (nozzle) therein, and Rhodes teaching of a pump 37 assembly and its connecting pipes formed below the washing basket read on a lower section.

Rhodes teaches the claimed invention except fails to teach a recycle loop formed within the washing machine for providing cleaning fluid to the hand washer from the pump. Metzger teaches a parts washer comprising a nozzle 25 directed into a washing basin 15, a trap vessel 26 connected to the wash basin with a drain line 41, a feed line, and a pump 27 (see Fig. 1 and col. 2, lines 29-51). Metzger’s teaching reads on Applicant’s claims for a recycle loop formed within the washing device for providing fluid to the nozzle. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a recycle loop, as taught by Metzger, formed within the washing machine of Rhodes for saving washing fluid, washing detergent, minimizing waste to the environment, and has energy efficiency. Recycling washing fluid in a washing machine is a known and obvious feature for providing cleaning and increased portability while saving costs, resources, and time in sink/basin type washing machines.

It is inherent that water is used in combination with detergent in the Rhodes and Metzger inventions, thus reading on Applicant’s claims for an aqueous cleaning fluid.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes and Metzger as applied to claim 13 above, and further in view of Modrey et al. herein referred to as "Modrey" (US Patent No. 2,579,393).

Rhodes and Metzger teach the claimed invention except fail to teach having a manual cleaning means such as a brush in conjunction with the sink-washer apparatus. However, Modrey teaches using a brush 59, as shown in Figure 11, for the uses such as the of washing crockery, scouring of cooking utensils, washing of apparel, etc. performed at a domestic sink. Modrey prefaces the need for providing power driven mechanical devices, such as dishwashing and clothes washing equipment, with a sink capable of use as an ordinary domestic sink but adapted to the performance of a variety of domestic washing, scouring, and polishing means (col. 1, lines 3-7 and 21-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a brush, as taught by Modrey, to the invention of Rhodes-Metzger, since it is a well-known cleaning aid for use with domestic sinks and cleaning machines, such as clothes or dishwashers.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes and Metzger as applied to claim 13 above, and further in view of Reuter et al. herein referred to as "Reuter" (US Patent No. 5,409,308).

Rhodes and Metzger teach the claimed invention except fail to go into specific detail regarding potential hinging mechanisms used to help open/close the sink carefully

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and conveniently. However, Reuter teaches the use of a hinged mechanism in opening/closing a door to a cabinet having a similarly upwardly-swinging door. In Reuter, the door is mounted on a pair of opposed pivot arms which rotate on a horizontal axis. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a gas spring closure on the sink/lid of Rhodes-Metzger, as taught by Reuter, since Reuter teaches the gas spring is dually beneficial because it serves a purpose of counterbalancing the door as it moves between an open and a closed position, and opening the door unassisted once the user initiates movement of the door, this opening feature being very beneficial to seated and physically disabled users (Abstract). Moreover, it is known in the art that a sink can be fairly heavy and nearly immobile, therefore, having gas spring closures helps make a generally heavy sink easily mobile.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes and Metzger as applied to claim 13 above, and further in view of Strong et al. herein referred to as "Strong" (US Patent No. 1,395,728).

Rhodes and Metzger teach the claimed invention except fail to disclose a safety mechanism associated with the sink/lid and motor. However, Strong teaches article cleaning machines, examples of such being clothes washing machines and dish washing machines having a electrically-controlled safety devices whereby the door cannot be opened until the operations on the articles have been completed and so that the machine cannot be started until the door is closed (safety lock) (col. 1, lines 21-26

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and 37-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the safety lock mechanism of Strong in the invention of Rhodes-Metzger so that washing functions may only be permitted when the sink/lid is in a closed position to avoid water spilling out of the machine during washing and causing an undesirable mess. Also, being indicative of its name, safety locks are known in the art to be safe for the user.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes, Metzger, and Strong as applied to claim 10 above, and further in view of Bremer et al. herein referred to as "Bremer" (US Patent No. 2,680,802).

Rhodes, Metzger, and Strong teach Applicant's claimed combination portable parts washer, except they fail to go into detail regarding the heating means for the hot water reservoir connected to the sink and washing system. However, heating hot water supply lines using a heater is known in the art, as taught by Bremer in its teaching of an electrical fluid heater 14 for heating of a flowing liquid stream that is known in the art to be used with washing machines, for example, dishwashers and laundry machines (col. 1, lines 13-14). Bremer further discloses that switches 22 are connected to a source of current supply and these switches are electrically connected to said heater (col. 2, lines 24-29); therefore it is known in the art to have a switch, or namely a hot water faucet handle, that is connected electrically to the circuitry of the hot water reservoir in apparatuses such as portable parts washers. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a heater that is electronically

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connected by a circuit to a hot water supply in the Rhodes-Metzger-Strong invention, as motivated by Bremer to be a known way for commonly heating a hot water supply in these types of machines.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Federighi, Jr. et al. (US Patent No. 4,776,359) teaches an under counter glass washer having a sump for retention of rinse water for use in subsequent wash cycles.

Oakes (Pub. No. US 2005/0199267) teaches a washing system using recycled cleaning liquid to clean parts and tools that are positioned in a washing basin or sink, and pumping water that is drained out, filtering said water, and pumping it back to the sprayer where water is re-used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
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/Rita R. Patel/
Examiner, Art Unit 1792